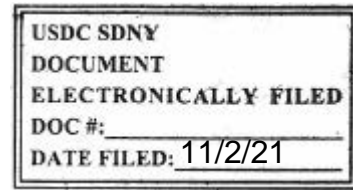


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Stephen C. Kramer, *et al.*,

Plaintiffs,

—v—

Penske Trucker Leasing, Co, L.P., *et al.*,

Defendants.

21-cv-7121 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

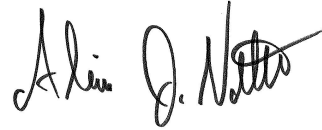
On October 29, 2021, Defendants filed a motion to dismiss. Pursuant to Rule 3.F. of this Court’s Individual Practices in Civil Cases, on or before November 12, 2021, Plaintiffs must notify the Court and its adversary in writing whether (1) it intends to file an amended pleading and when it will do so or (2) it will rely on the pleading being attacked. Plaintiffs are on notice that declining to amend their pleadings to timely respond to a fully briefed argument in the Defendants’ October 29 motion to dismiss may well constitute a waiver of the Plaintiffs’ right to use the amendment process to cure any defects that have been made apparent by the Defendants’ briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”).

If Plaintiffs choose to amend, Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: November 2, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge